



STATE OF MINNESOTA

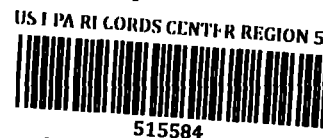
OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ST. PAUL 55155

May 13, 1983

ADDRESS REPLY TO
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B2
ROSEVILLE, MN 55113
TELEPHONE (612) 296-7342



Honorable Paul A. Magnuson
Judge of the United States District Court
754 United States Court House
316 North Robert Street
St. Paul, MN 55101

Re: United States, et al. v. Reilly Tar & Chemical
Corporation, et al. File No. Civil 4-80-469

Dear Judge Magnuson:

I am writing to confirm the rescheduling of motions to strike affirmative defenses brought by the state and federal plaintiffs and to state Minnesota's position on Reilly Tar's request that you hear its planned motion to compel answers to deposition questions at the same time as the other motions.

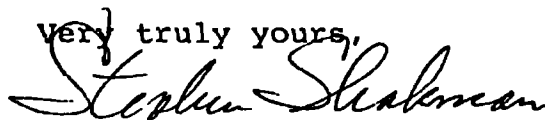
After checking with counsel for the United States, Reilly Tar, and St. Louis Park, I rescheduled the motions to strike affirmative defenses with Rosemarie Johnson of the Clerk's Office. They have been reset from 2:00 p.m. on May 20 to 9:00 a.m. on July 29. Counsel for all involved parties have further agreed that Reilly Tar will serve its briefs on all motions scheduled for the July 29 hearing by June 24, and the plaintiffs will serve their briefs by July 19.

Reilly Tar attorney Edward J. Schwartzbauer told me that he had explained to you Reilly Tar's view that its planned motion to compel is related to Minnesota's motion for summary judgment striking Reilly Tar's first affirmative defense and, therefore, should be heard at the same time as the latter motion. I do not agree with this contention and believe that summary judgment should be granted on the basis of the record already before the Court. However, after being advised by Mr. Schwartzbauer of your schedule over the next few months, I agreed to the rescheduling to facilitate the handling of both sides' motions in the manner most expeditious for the Court. Accordingly, I have asked Ms. Johnson for two hours on July 29 for argument on both the previously filed state and federal motions and on the planned motion to compel.

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In regard to the motion to compel, Ms. Johnson said that such motions are ordinarily heard by the Magistrate and that she would have to confer with you on who would hear this motion. The attorneys who will be opposing the motion to compel, counsel for St. Louis Park and I, do not have any objection to your hearing it.

Very truly yours,



STEPHEN SHAKMAN
Special Assistant
Attorney General

SS/jah

cc: All counsel of record
Rosemarie Johnson

OFFICE OF REGIONAL COUNSEL
EPA - REGION V

